



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/808,553	03/14/2001	Nikhil Jhingan	1870-01400 JMH	3915
23505	7590	10/17/2006	EXAMINER	
CONLEY ROSE, P.C. P. O. BOX 3267 HOUSTON, TX 77253-3267			LESNIEWSKI, VICTOR D	
			ART UNIT	PAPER NUMBER
			2152	

DATE MAILED: 10/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/808,553		JHINGAN ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Victor Lesniewski		2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 July 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 21-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

Art Unit: 2152

### **DETAILED ACTION**

1. The appeal brief filed 7/21/2006 has been placed of record in the file.
2. Claims 21-36 are now pending.
3. In view of the appeal brief filed 7/21/2006, PROSECUTION IS HEREBY REOPENED. The previous rejection under 35 U.S.C. 103(a) has been withdrawn and new grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2152

5. Claims 21-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adams et al. (U.S. Patent Number 6,898,636), hereinafter referred to as Adams, in view of Coughlin et al. (U.S. Patent Number 6,810,411), hereinafter referred to as Coughlin.

6. Adams disclosed a system for storing, accessing, and interchanging documents for review by a plurality of parties over a global communications network. In an analogous art, Coughlin disclosed a system for selecting a host in a client-server environment based on the latency between candidate hosts and the client.

7. Concerning claims 21 and 29, Adams did not explicitly state determining a server in the network based on a location of the first computer. Although Adams teaches that documents are stored in a first database that is local to the client and that is assigned by the host server, he is silent on how this database is determined. However, determining a server in the network for the client to access based on the location of the client was well known in the art as evidenced by Coughlin whose system selects a server in the network based on measured latencies between candidate servers and the client. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system of Adams by adding the ability to determine a server in the network based on a location of the first computer as provided by Coughlin. Here the combination satisfies the need for a system that can determine the most suitable server from multiple servers to fulfill user requests. See Coughlin, column 1, line 66 through column 2, line 4. This rationale also applies to those dependent claims utilizing the same combination.

Art Unit: 2152

8. Some claims will be discussed together. Those claims which are essentially the same except that they set forth the claimed invention as a system are rejected under the same rationale applied to the described claim.

9. Thereby, the combination of Adams and Coughlin discloses:

- <Claims 21 and 29>

A method for storing and accessing user-specific data in a client-server computer network, the method comprising the steps of: a user performing, from a first computer, a login operation to a first server in the network (Adams, column 7, lines 27-31); determining, based on the login operation performed by the user and a location of the first computer in the network, a second server in the network for storing user-specific data (Adams, column 15, lines 37-45 and Coughlin, column 5, lines 53-67); the user sending, from the first computer to the first server in the network, a request to store the user-specific data (Adams, column 13, lines 29-34); redirecting the request to the second server for storing of the user-specific data at the second server (Adams, column 22, lines 32-39); and conducting a data upload directly between the first computer and the second server to store the user-specific data at the second server (Adams, column 22, lines 32-39).

- <Claims 22 and 30>

The method as claimed in claim 21, wherein the first server comprises an application server element and a determination server element and the method comprises the user performing the login operation to the application server element, and the application server element performing another login operation to the determination server element

based on the login operation performed by the user (Adams, column 9, lines 7-9), for determining, based on the location of the first computer in the network, the second server in the network for storing the user-specific data (Coughlin, column 5, lines 53-67).

- <Claims 23 and 31>

The method as claimed in claim 22, wherein the application server element and the determination server element are located on different computers in the network (Adams, figure 1, item 32 and Coughlin, figure 2, item 220).

- <Claims 24 and 32>

The method as claimed in claim 21, further comprising the user or another user performing a login operation to the first server from a second computer and sending a request relating to said user-specific data to the first server; redirecting the request to the second server based on the login operation from the second computer; and conducting transactions relating to the user-specific data directly between the second computer and the second server (Adams, column 12, lines 42-61).

- <Claims 25 and 33>

The method as claimed in claim 24, further comprising the steps of replicating at least a portion of the user-specific data on a third server selected based on a location of the second computer on the network, and redirecting requests relating to the user-specific data from the second computer to the third server (Adams, column 22, lines 39-49).

- <Claims 26 and 34>

The method as claimed in claim 21, wherein the step of determining, based on a location of the first computer in the network, the second server in the network for storing the user-

Art Unit: 2152

specific data comprises measuring respective response times between the first computer and each of a plurality of candidate servers (Coughlin, column 10, lines 12-38).

- <Claims 27 and 35>

The method as claimed in claim 26, wherein the candidate server having the shortest response time is determined as the second server (Coughlin, column 10, lines 45-57).

- <Claims 28 and 36>

The method as claimed in claim 21, wherein transactions between the first computer and the second server are conducted in an encrypted manner (Adams, column 9, lines 14-16).

Since the combination of Adams and Coughlin discloses all of the above limitations, claims 21-36 are rejected.

### *Conclusion*

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor Lesniewski whose telephone number is 571-272-3987. The examiner can normally be reached on Monday through Thursday.

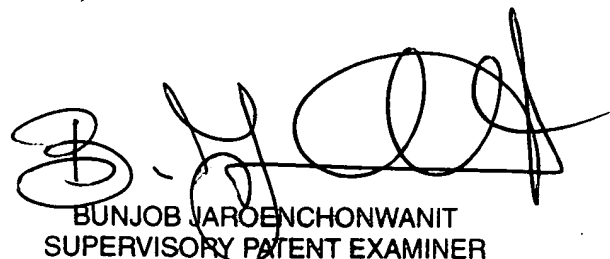
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2152

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Victor Lesniewski  
Patent Examiner  
Group Art Unit 2152



BUNJOB JAROENCHONWANIT  
SUPERVISORY PATENT EXAMINER